

## **REMARKS**

In the Office Action (“OA”), the Examiner rejected claims 1-8 under U.S.C. § 102(e) as being anticipated by Smith, Jr. (“Smith”), U.S. Patent No. 6,836,667 B1.

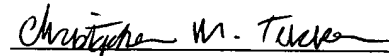
Smith does not anticipate claimed invention as recited in claims 1-8. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).”

With regard to claim 1, Smith does not teach or motivate the limitation “wherein said messages are associated with a specific coordinate way point and are not associated with a specific subscriber within said network.” Additional, Smith does not teach or motivate the limitation “wherein said device adapted to permit operations selected consisting of capturing said device's own instant coordinate location, leaving a message associated with a specific coordinate location within said network, and accessing a message posted at a specific coordinate location within said network at least due to said user device's physical proximity to said specific coordinate location, wherein leaving a message associated with a specific coordinate location requires said user to specify at least a location associated with said message but does not require an explicit recipient.” The messages taught by Smith are associated with a user and not a location as presently claimed.

Since Smith does not anticipate claim 1, and by virtue of their dependency, Smith cannot anticipate claims 2-7.

Applicant submits that the present claims are in condition for allowance and request entry of this amendment, reconsideration and allowance of the pending claims.

Respectfully submitted,

A handwritten signature in cursive script, reading "Christopher M. Tucker", is written over a horizontal line.

Christopher M. Tucker

Reg. No. 48,783

Agent for Applicant

Date Mailed: November 20, 2006